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10/534,450	05/10/2005	Michael Anthony Pugel	PU030231	4781

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Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON, NJ 08543

EXAMINER	
PARK, JEONG S	

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,450	PUGEL ET AL.	
	Examiner	Art Unit	
	JEONG S. PARK	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *5/10/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed January 30, 2008.

Claim Objections

2. Claim 6 is objected to because of the following informalities:

In claim 6, line 1, the phrase "at least one of: an alert related to a missing person" should be corrected as –including at least an alert related to a missing person-- for clear understanding of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al (hereinafter Mason)(U.S Patent No. 6,543,051 B1) in view of Zimmers et al. (hereinafter Zimmers)(U.S Patent No. 6,816,878 B1).

Regarding claim 1, Manson teaches as follows:

A system for inserting alert based information (alert message) into broadcast programming over a program distribution network (digital subscriber television system) comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract);

A program distributor (application servers, 203 in figure 2) that transmits the

broadcast programming (television program) over the program distribution network (broadband network)(MPEG content from the application servers is delivered to a plurality of home communications terminals via a broadband network, see, e.g., col. 2, line 57 to col. 3, line 8);

A network fabric (207, 211 and 220 in figure 2), coupled to the program distributor (application servers, 203 in figure 2), used for transmitting data from the program distributor (QAM modulators, 206 in figure 2, combine the MPEG formatted information from the application servers for delivery as the in-band data, 207 in figure 2, via the transmission medium, 220 in figure 2, see, e.g., col. 3, lines 13-16);

The program distributor (EAS receiver, 105 in figure 3, wherein the application server 203 and EAS 105 and EAC 106 work together as the program distributor) receives the alert based information (see, e.g., col. 4, lines 28-33) and converts the alert from a first format to a second format compatible with the programming broadcasted via the network fabric (EAS 105 converts the text emergency alert message into a text display file compatible with the digital subscriber system, see, e.g., col. 4, lines 52-58 and steps 406 and 410 in figure 4);

The program distributor inserts the converted alert into the broadcast programming via the network fabric (the converted emergency alert message was sent to the application server at step 414 in figure 4, see, e.g., col. 5, lines 5-6, wherein the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15); and

Specifying a region to be alerted by identifying number of counties (the number of counties field specifies the number of the destination counties for the digital emergency alert message, see, e.g., col. 5, line 66 to col. 6, line 2).

Zimmers further explicitly teaches as follows even if Manson implicitly teaches how to indicate the region to be alerted:

A system responds to commands identifying alerts to be delivered to affected geographic areas or schools/organizations by retrieving communications identifiers in the threatened geographic locations (see, e.g., abstract and col. 4, line 15 to col. 5, line 27).

It would be obvious to combine Manson with Zimmers in order the system of Manson to leave uninterested geographic region undisturbed and avoid a “Boy Who Cried Wolf" problem for the affected geographic region.

Regarding claim 2, Manson teaches as follows:

The converted alert (generated from EAS and EAC, 105 and 106 in figure 3 respectively and sent to the application server, 203 in figure 2 and figure 3) and the programming broadcasted via the network fabric (transmission medium, 220 in figure 2) are capable of being rendered on at least one of: a display device and an audio based device (the converted message, which was sent from the application servers, 203 in figure 2 and figure 3, and television program are transmitted to the TV, 256 in figure 2, by the HCT, 250 in figure 2, for display to the subscriber, see, e.g., col. 3, lines 19-26).

Regarding claims 3, 8 and 14, Manson teaches as follows:

The alert message received is an audible based message that is converted into data capable of being broadcasted over the network fabric for rendering on an audio device (emergency alert message with an audio file is converted by EAS, 105 in figure 3, into an audio file compatible with the digital subscriber system which is TV, 256 in figure 2, inherently comprises audio and display devices, see, e.g., col. 4, lines 60-65).

Regarding claims 4, 9 and 15, Manson teaches as follows:

The program distributor adds supplemental information (elements) to the alert based information for broadcast; the supplemental information selected is based on data in the alert based information (the elements associated with an emergency alert message, see, e.g., col. 5, lines 23-29).

Regarding claims 5, 10 and 16, Manson teaches as follows:

The supplemental information selected is determined by the geographic region corresponding to the alert based information (identification code of each county that is to receive the digital emergency alert message in accordance with the FIPS code, see, e.g., col. 6, lines 3-6) and the alert class (event code in table 2) of the alert based information (see, e.g., col. 6, lines 18-28 and table 2).

Regarding claim 6, Manson teaches as follows:

The message name field provides a unique emergency alert message (see, e.g., col. 5, lines 64-65); and

The event code field defines event codes (see, e.g., col. 6, lines 18-28 and table 2).

Therefore, Manson implicitly teaches to include any type of alert message upon request by adding an event code field with a proper message name field to identity the alert message as the alert related to a missing person.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Mason-Zimmers to include an alert related to a missing person.

Regarding claim 7, Manson teaches as follows:

A method for inserting alert based information (alert message) into broadcast programming over a program distribution network (digital subscriber television system) comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract) the steps of:

Receiving an alert message in a proprietary format (see, e.g., col. 4, lines 28-30);

Translating the alert message from the proprietary format into a second format compatible with a broadcast signal used for transmitting the broadcast programming (converts the received message into the message format compatible with the digital subscriber system, e.g., col. 4, lines 30-33 and 406 and 410 in figure 4);

Transmitting the translated alert message with the broadcast programming (the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15); and

Specifying a region to be alerted by identifying number of counties (the number of counties field specifies the number of the destination counties for the digital emergency alert message, see, e.g., col. 5, line 66 to col. 6, line 2).

Zimmers further explicitly teaches as follows even if Manson implicitly teaches how to indicate the region to be alerted:

A system responds to commands identifying alerts to be delivered to affected geographic areas or schools/organizations by retrieving communications identifiers in the threatened geographic locations (see, e.g., abstract and col. 4, line 15 to col. 5, line 27).

It would be obvious to combine Manson with Zimmers in order the system of Manson to leave uninterested geographic region undisturbed and avoid a “Boy Who Cried Wolf" problem for the affected geographic region.

Regarding claim 11, Manson teaches as follows:

The programming is broadcasted in an MPEG compatible data stream (see, e.g., col. 3, lines 9-11).

Regarding claim 12, Manson teaches as follows:

A method for translating a received alert message into a format capable of being broadcasted as part of a data stream comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract) the steps of:

Transmitting broadcast programming in an MPEG-2 compatible data stream

(see, e.g., col. 3, lines 9-11);

Receiving the alert message in a proprietary format (see, e.g., col. 4, lines 28-30);

Converting the alert message into data (converts the received message into the message format compatible with the digital subscriber system, e.g., col. 4, lines 30-33 and 406 and 410 in figure 4) that is inserted into packets used for transmitting the MPEG-2 compatible data stream (the converted emergency alert message was sent to the application server at step 414 in figure 4, see, e.g., col. 5, lines 5-6, wherein the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15); and

Specifying a region to be alerted by identifying number of counties (the number of counties field specifies the number of the destination counties for the digital emergency alert message, see, e.g., col. 5, line 66 to col. 6, line 2).

Zimmers further explicitly teaches as follows even if Manson implicitly teaches how to indicate the region to be alerted:

A system responds to commands identifying alerts to be delivered to affected geographic areas or schools/organizations by retrieving communications identifiers in the threatened geographic locations (see, e.g., abstract and col. 4, line 15 to col. 5, line 27).

It would be obvious to combine Manson with Zimmers in order the system of Manson to leave uninterested geographic region undisturbed and avoid a “Boy Who Cried Wolf" problem for the affected geographic region.

Regarding claim 13, Manson teaches as follows:

The converted alert message is identified by a PID corresponding to an alert message (message name field provides a unique name to identify the digital emergency alert message, see, e.g., col. 5, lines 64-65).

Response to Arguments

5. Applicant's arguments filed 1/30/2008, with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

A. Summary of Applicant’s Arguments

In the remarks, the applicant argues as followings:

1) Regarding claim 13, claims an element of "wherein the converted alert message is identified by a PID corresponding to the alert message". The Examiner points to Manson as teaching this claimed element, where the reference states, "the message name field (msg_name) provides a unique name to identify the digital emergency alert message)." This msg_name is a text string (see Table 1), which needs to have the full contents of Table 1 to be identified and is not delivered at the packet level. A PID on the other hand is a packet identifier (for a data packet) which is located in the header of a packet. This packet identifier of Claim 13, in contrast does not need to have the contents of a packet (header and payload) fully be decoded in order to know

that an alert message is contained within a packet. That is, the claimed PID is not the same thing the msg_name of Manson.

B. Response to Arguments:

In response to argument 1) The applicant's argument for PID definition is not supported by the specification. The specification defined the PID as a program identifier of the alert message (see, specification page 7, lines 31-37) which identifies the information as an alert message.

Therefore, Manson teaches the converted alert message is identified by a PID corresponding to an alert message (message name field provides a unique name to identify the digital emergency alert message, see, e.g., col. 5, lines 64-65).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2154

April 7, 2008

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146